IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPEAL NO. 1058 OF 2003

The State of Maharashtra....Applicant.

versus

Pravinbhai J. Mehta..... Respondent.

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Mr. Y.S.Shinde APP for State.
Mr. S.S.Kulkarni for Respondent.

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CORAM ; A.M. KHANWILKJAR, J.

DATED; DECEMBER 20, 2005

P.C.

1. Heard counsel for the parties. Perused the evidence. I see no reason to depart from the conclusion reached by the court below and the finding recorded that the discripency or short supply of diesel was only 40 ml.for supply of 5 litres. Besides, the supply of diesel by electronic apparatus caused difficiency in supply and therefore not attributable to the act of commisson or omission of the present accused. It has come in evidence that the internal operating system, and the panel of the box bore seal of Hindustan Petroleum which is checked and verified the unit operated by the accused. It is not the case of the prosecution that the said apparatus was tampered by the accused. The court below has therefore rightly

observed that in such a case Hindustan Petroleum ought to have been made as accused by the prosecution. As difficiency in supply of deisel is only 40 ml for supply of 5 litres of fuel and that short supply was and not attributable to the accused, no interference required with the finding of no guilt as recorded by the court below. Hence dismissed.

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